



Recycling Lines

Electronic Newsletter - **Special Legislative Issue**

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Virginia Department of Environmental Quality, Division of Environmental Enhancement

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DEQ's Community Involvement Initiative: The Department of Environmental Quality is dedicated to helping the public better understand DEQ's role in protecting the environment, and to involving the public more effectively in environmental decision making.

Welcome to Recycling Lines, a look at recycling news in the Commonwealth and across the nation. This special issue highlights legislative initiatives introduced in the 2006 General Assembly and other information relating to locality recycling programs and Solid Waste Management Plans. We hope this information is helpful.

Steve Coe at gscoc@deq.virginia.gov.

Mandatory Recycling Rates

**HB 647 – Delegate E.T. Scott (Patron), and
SB 57 – Senator W. Roscoe Reynolds (Patron)**

These bills create a two-tiered minimum recycling rate for Virginia localities, based upon population densities and unemployment levels. Each Solid Waste Planning Unit (SWPU) shall maintain a minimum 25% recycling rate unless the following criteria apply: 1) a population density rate of less than 100 persons per square mile, or 2) a civilian unemployment rate that is at least 50% greater than the state average. SWPUs meeting the criteria shall maintain a minimum 15% recycling rate. They also provide credits of up to 5 percentage points for source reduction and reuse programs, and for non-MSW wastes that are recycled.

These bills also address the processing of solid waste permits by DEQ in relation to the locality's or SWPU's compliance to the recycling rate mandate.

NOTE: As originally introduced, SB 57 reduced the minimum recycling rate localities must achieve from 25% to 15%, and established a target recycling rate for all localities of 25%. The bill was amended by substitute to conform with HB 647.

Abandoned Vehicle Program

HB 948 -- Delegate Harvey B. Morgan (Patron)

This bill adds "certification by a locality on forms provided by the Department that an inoperable motor vehicle has been removed from the vehicle property owner's property and disposed of by the locality or its authorized agent" to §46.2-1207 of the Code of Virginia.

This language was added as a result of the work by the Virginia Council for Litter Prevention and Recycling and several local litter and recycling program managers after DMV discontinued reimbursing localities for the removal of such junked/inoperable vehicles.

Technical Advisory Committee Meeting to Review Regulations for Solid Waste Management Planning

The first of three meetings of the Technical Advisory Committee (TAC), which will guide the process to amend the solid waste planning regulation 9 VAC 20-130-10 et seq., will be held on Wednesday, January 25, beginning at 1 PM in DEQ's Central Office, 629 E. Main Street, Richmond. These regulations prescribe how Virginia localities conduct solid waste planning and how their recycling rates are calculated. The other TAC meeting dates are February 8 and February 22, 2006. DEQ contact: Allen Brockman, 804-698-4468, or arbrockman@deq.virginia.gov.

Litter Penalties

HB 716 – Delegate Michele B. McQuigg (Patron)

This bill authorizes a court to order, in addition to other penalties, the suspension of the driver's license of the defendant convicted of a second or subsequent offense of dumping litter on the highway.

HB 805 – Delegate William H. Fralin, Jr (Patron)

This bill adds cigarette butts as litter and increases the minimum penalty for littering from a motor vehicle from \$250 to \$750. (Maximum fine \$2,500)

HB 399 – Delegate Robert J. Wittman (Patron)

This bill requires any person convicted of littering on any highway to perform a mandatory minimum of 100 hours of community service, administered by VDOT, picking up litter/trash while wearing a blaze orange vest with the phrase, "I AM A LITTERBUG."

Grant Formula Changes

HB 448 – Delegate R.E. Ware, Jr. (Patron)

This bill changes the formula for allocating litter control and recycling grants from the Litter Control and Recycling Fund as follows: 90% to localities in annual grants, 5% for litter prevention and recycling projects, and 5% for the administration of the grants program.

Have You Gotten Your Letter from DMV Yet?

As indicated by the legislation introduced by Delegate Harvey B. Morgan this year (see page 1, HB 948), DMV has reversed the position taken in January of 2005 when the Agency stopped reimbursing localities for abandoned vehicles removed from the vehicle owner's property. This had been standard practice since the program began.

In December of 2005, DMV notified participating localities of the change and invited localities to resubmit applications denied for any reason in 2005. A portion of the text of DMV's letter is pasted below in case your locality has not yet received the notification.

December 12, 2005

*To: Participating Abandoned Motor Vehicle
Reimbursement Localities*

In January 2005, the Department of Motor Vehicles (DMV) notified localities of the discontinuance of reimbursements for the disposal of junked/inoperable vehicles that do not meet the statutory definition of "abandoned vehicle"..... Subsequently, we discussed this issue with Delegate Harvey Morgan and were advised of his intent to pursue legislation to clarify the statutory reimbursement process utilized by DMV in administering the agency's Abandoned Vehicle program for the disposal of junked/inoperable vehicles.

In the interim, DMV has agreed to again reimburse localities for the disposal of junked/inoperable vehicles removed from private/public property including those circumstances where the property is owned by the vehicle owner, provided the locality is actually involved in the disposal process and certifies to DMV that the vehicle has been disposed of in accordance with Va. Code §46.2-1205. If you have submitted a claim for reimbursement since January 2005 that meets the above criteria and the claim was denied, please resubmit the claim to DMV for reimbursement.

If you have questions regarding this decision, you may contact Ms. Billie Vaughan at (804) 367-0670 or via email at Billie.Vaughan@dmv.virginia.gov. Upon the conclusion of the 2006 General Assembly session, based on the outcome of Delegate Morgan's legislation, DMV will advise you as to whether we will be able to continue administering reimbursement in the same manner.

*Sincerely, Theresa H. Gonyo
Director, Data Management Services*

Congratulations to Sara Delo of Gloucester County for working with Delegate Morgan to get this legislation introduced.

Web Links of interest:

- <http://leg1.state.va.us/lis.htm>
- http://legis.state.va.us/cit_guide/gen_assem/cit_welcome.html

Recycling Action Plans (RAPs)

Under Virginia's Solid Waste Regulations, all localities or solid waste planning units (SWPUs) are required to have on file with DEQ an approved Solid Waste Management Plan. As part of this plan, the locality or SWPU must include a section addressing its recycling program and the state's 25% recycling mandate.

In 2005 as part of its Solid Waste Management Plan review process, DEQ began advising those SWPUs representing jurisdictions that showed a recycling rate of less than 25% to prepare and submit a Recycling Action Plan (RAP) outlining how they plan on achieving the mandated 25% recycling rate. These plans include:

- Jurisdictions involved in the RAP/SWPU
- Areas of program to be improved
- Milestones to verify program improvements
- Targeted materials
- Targeted data sources for recycling information
- Responsible party for implementing the RAP
- Outreach components of RAP
- SWPU support for the RAP
- Reporting milestones

As of January 1, 2006, DEQ had received 73 Solid Waste Management Plans for review. Of these, 13 SWPUs were advised to submit a Recycling Action Plan as an addendum to their plans. RAPs have been approved for:

Cumberland Plateau	Appomattox County
Caroline County	Franklin County
Pittsylvania County	
Carroll-Grayson-Galax SWA	
Southside Regional PSA	

Waste Tire Recycling Fee

HB 522 – Delegate Glenn Oder (Patron)

This bill would extend the \$1 per new tire sold tire recycling fee from July 1, 2006 to July 1, 2008 to provide additional funding for clean up of the remaining waste tire piles in the Commonwealth. As of January 1, 2006, DEQ lists 136 tire piles remaining (an estimated 2.5 million tires) to be cleaned up under the Clean Sweep initiative.

Participating in the Legislative Process

If you are interested in participating in the legislative process by tracking the status of bills introduced in this year's General Assembly, check the two Web Links of Interest listed on this page. The Citizen's Guide is particularly helpful in tracking bills, meetings of the various subcommittees, and public hearings, as well as access contact information for your elected representatives.

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